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FEB 03 2016

**SC Court of Appeals**

IN THE SOUTH CAROLINA COURT OF APPEALS

Terry Douglas Campbell, Appellant, } Appellate Case No.: 2016-000066  
v. }  
The State of South Carolina; S.C.D.C. } NOTICE OF MOTION  
Director, Bryan Stirling; Warden } AND MOTION TO  
Bernard McKie; Officers Lt. McLaughlin } REINSTATE APPEAL  
and Aubrey Pounds, Respondents }

The Appellant, Terry Douglas Campbell hereby moves this Court to reinstate his appeal which was dismissed by Deputy Clerk, V. Claire Allen on 1-21-2016, claiming the Appellant failed to timely serve the notice of appeal, as required by Rule 203 of the South Carolina Appellate Court Rules. (See Attached Order, Exhibit A). (Pg 4)  
The Appellant contends that he has served his notice of appeal on all Respondents pursuant to Rule 203, SCACR, as argued and proved in the following memorandum of law.

MEMORANDUM OF LAW

Rule 203 Notice of Appeal (b) Time for Service (1) Appeals From the Court of Common Pleas. A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion for judgment n.o.v. (Rule 50,

SCRCP), motion to alter or amend the judgment (Rule 52 and 59, SCRCP), or a motion for a new trial (Rule 59, SCRCP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion.

On 12-3-15, the appellant received written notice of the judgment which denied his motion to alter or amend which was sent in an envelope with the return address of Jeanette W. McBride, and postmarked "DEC 01 2015" (See Exhibit B<sup>pg 5</sup>). This judgment which denied the appellant's motion to alter or amend has several mistakes (See Exhibit C<sup>pg 6</sup>). The first apparent mistake was the case number had been marked through and changed, by whom it is unknown as they did not take time to initial the change. The second apparent mistake is the clock in stamp reflects a date of "2004 NOV 25 AM 8:58", a difference of eleven years. The third apparent mistake is the Clerk stated that a copy was mailed first class on 25 Nov, 2015, as the envelope which contained this judgment was clearly postmarked "Dec 01 2015", seven days later.

The appellant sent his notice of appeal on Dec. 31, 2015 which was 28 days after receiving written notice of the judgment. The U.S. Mail did run on Dec. 31, 2015. New Years Day, Friday Jan. 1, 2016, would constitute day 29. Saturday, Jan. 2, 2016, the mail did run which based on prior experience, should have delivered the notice of appeal to the counsel for the respondents as this marked day 2 of the U.S. Mail transporting the parcel. Pursuant to Rule 234, SCACR,

the 30<sup>th</sup> day must not fall on Saturday, Sunday or a state or federal holiday therefore Monday Jan. 4, 2016, would be 30 days which would also mark day 3 of the U.S. Mail delivering the parcel which only takes 2 days. (See Exhibit D). (Pg 7)

Based on the above facts, I kindly ask that my appeal be reinstated, and that filing fees be waived.

Date 1-31-16

Respectfully submitted,

Jerry Campbell

I hereby declare that copies of the foregoing Notice of and motion to reinstate were also sent U.S. First-Class Mail, postage pre-paid to the following on 2-1-16.

Terry Campbell 281286

Catawba Pre-Release

1030 Milling Road

Rock Hill, S.C. 29730

Steven R. Spreewers

Davidson + Lindemann

1611 Devonshire Dr., 2nd Floor

P.O. Box 8568

Columbia, S.C. 29202-8568

Jeanette W. McBride, Clerk Richland Co.

P.O. Box 2766

Columbia, S.C. 29202-2766

# The South Carolina Court of Appeals

Terry Douglas Campbell, Appellant,

v.

The State of South Carolina, Director of South Carolina  
Department of Corrections, Bryan Stirling, Warden  
Bernard McKie, Officers Lt. McLaughlin and Aubrey  
Pounds, Respondents.

Appellate Case No. 2016-000066

The Honorable Tanya A. Gee  
Richland County  
Trial Court Case No. 2015CP4003381

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ORDER

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Appellant has failed to timely serve the notice of appeal, as required by Rule 203 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY

*V. Claire Allen, Deputy*  
CLERK

FILED

Columbia, South Carolina

1-21-16

(4)

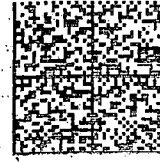
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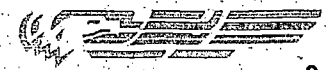
SC Court of Appeals

Jeanette W. McBride  
CLERK OF COURT  
RICHLAND COUNTY  
P.O. Box 2766  
Columbia, SC 29202-2766

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First Class Mail  
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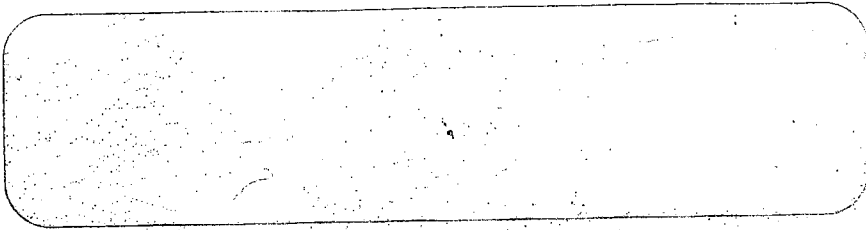


U.S. POSTAGE PITNEY BOWES

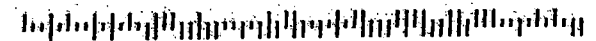


ZIP 29204 \$ 000.43<sup>9</sup>  
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0001375672 DEC 01 2015

*Rec'd 12-3-15*



878857384 21 KMBENMB 29790



CASE NUMBER: 2014-CP-40-03104  
15 3381

Terry Douglas Campbell

SC Department of Corrections

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for:  Plaintiff  Defendant or  Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

After careful consideration, the Plaintiff's Motion to Alter or Amend the order granting summary judgment is respectfully denied.

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge Janae L. G. Judge Code 2756 Date 11/23/2015

For Clerk of Court Office Use Only

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 25 day of Nov, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette W. Ag...

SCRPC Form 4C (10/2011)

SCANNED

DECLARATION IN SUPPORT OF MOTION TO REINSTATE

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SC Court of Appeals

TERRY CAMPBELL declares under penalty of perjury:

1. I am the appellant in this case. I make this affidavit in support of my motion to reinstate.
2. I received written notice of the judgment which denied my motion to alter or amend on Dec. 3, 2015 which was postmarked Dec. 1, 2015.
3. I sent my notice of appeal to all respondents by mailing it to their counsel, Steven R. Spreewers of Davidson & Lindemann, P.A. at 1611 Devonshire Dr., 2nd Floor, Post Office Box 8568, Columbia, S.C. 29202-8568, by placing it in the institutional mailbox at 10:45 p.m. on Dec. 30, 2015. This parcel was sent U.S. Mail, First-Class, Postage Pre-Paid on Dec. 31, 2015 as mail goes out only in the mornings.
5. The parcel sent to the respondents had my return address and was never returned to me.
6. Based on my experience the U.S. Mail has proven two day service from Rock Hill to Columbia and vice versa as reflected by exhibit B and also I feel quite sure the envelope this arrived in will reflect the same.

Jerry Campbell

Terry Campbell 281286

Catawba Pre-Release

1030 Milling Rd.

Rock Hill, S.C. 29730

Date 1-31-16

Terry Campbell 291286  
Catawba Pre Release  
1030 Milling Rd  
Rock Hill, S.C. 29730

CHARLOTTE NC 282  
<Legal>  
01 FEB 2016 PM 6 1



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FEB 03 2016

Jenny Abbott Kitchings, Clerk **SC Court of Appeals**  
V. Claire Allen, Deputy Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

SCDC  
Christmas  
Packet

29211162929



THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED  
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT  
ASSUME RESPONSIBILITY FOR ITS CONTENTS.

CATAWBA PRE-RELEASE  
S.C. DEPARTMENT OF CORRECTIONS



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



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